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**DEC 23 2004**

**OFFICE OF PETITIONS**

In re Application of  
Jeffrey A. Hubbell et al.  
Application No. 09/644,121  
Filed: August 23, 2000  
Attorney Docket No. 314573-103C

**ON PETITION**

This is a decision on the petition filed October 25, 2004 under 37 CFR 1.137(b),<sup>1</sup> to revive the above-identified application.

The petition under 37 CFR 1.137 (b) is **GRANTED**.

This application became abandoned July 15, 2004 for failure to timely pay the issue fee on or before July 14, 2004. The petition to revive and this decision on petition precedes the mailing of a Notice of Abandonment.

Effective October 1, 2004, the issue fee and petition fee were both set at \$685.00 for a small entity (not \$685.00 and \$665.00 as indicated in the petition). Therefore, per petitioner's authorization, deposit account no. 04-0838 has been charged the difference of \$20.00. All other requirements of 37 CFR 1.137(b) having now been met, this application file is being forwarded to the Publishing Division to be processed into a patent.

Telephone inquiries concerning this matter may be directed to the undersigned Petitions Attorney at (571) 272-3212.

Patricia Faison-Ball  
Senior Petitions Attorney  
Office of Petitions

<sup>1</sup> Effective December 1, 1997, the provisions of 37 CFR 1.137(b) now provide that where the delay in reply was unintentional, a petition may be filed to revive an abandoned application or a lapsed patent pursuant to 37 CFR 1.137(b). A grantable petition filed under the provisions of 37 CFR 1.137(b) must be accompanied by:

(1) the required reply, unless previously filed. In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application. In a nonprovisional application filed on or after June 8, 1995, and abandoned for failure to prosecute, the required reply may also be met by the filing of a request for continued examination in compliance with § 1.114. In an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof.

(2) the petition fee as set forth in 37 CFR 1.17(m);

(3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional; and

(4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required pursuant to 37 CFR 1.137(c)).